

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CHARLES TOWNSLEY, MICHAEL  
SAURO, WALTER NOFFSINGER,  
ROSA DAVIDSON, MICHAEL  
KELLY, TITON HOQUE, JANET  
GELPHMAN, THANH DO

Plaintiffs,

VS.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

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Civil Action No.: 1:20-cv-00969-LY

**PLAINTIFFS' UNOPPOSED MOTION TO FILE EXHIBITS UNDER  
SEAL IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF  
THE MOTION TO COMPEL DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs, Charles Townsley, Michael Sauro, Walter Noffsinger, Rosa Davidson, Michael Kelly, Titon Hoque, Janet Gelpman and Thanh Do (collectively, “Plaintiffs”) and files this, their Motion to File Exhibits Under Seal and would respectfully show the Court as follows.

## **I. Request to Seal Documents**

Plaintiffs respectfully request that Exhibits 1-25 be filed under seal. These documents are being filed in support of Plaintiff's Reply in Support of the Motion to Compel Discovery. Such exhibits contain documents that were designated by Defendant IBM pursuant to the protective order in a manner that requires they be sealed when filed as exhibits, at least up until the point this Court determines the motion in question constitutes part of the "adjudicative stage" of

litigation pursuant to Fifth Circuit precedent. Counsel for all parties have conferenced, and none are opposed to the relief requested herein.

**II. Prayer For Relief**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Court file under seal Exhibits 1-25 and for such other and further relief, whether legal or equitable, general or special, to which Plaintiffs may justly be entitled.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS**

CERTIFICATE OF CONFERENCE

Counsel for Plaintiffs has complied with the Court's requirement to confer. On March 31, 2022, Plaintiffs' counsel conferred with IBM's counsel via email. Counsel for IBM is unopposed to this Motion.



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Heidi A. Coughlin

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2022, I electronically filed the foregoing MOTION TO FILE EXHIBITS UNDER SEAL with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the Court and Defendant's counsel. I also hereby certify that on March 31, 2022, true and correct copies of the foregoing Exhibits were e-mailed to counsel for Defendant.



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Heidi A. Coughlin